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ALEX CAINE and CITY OF SAN PABLO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTIAN J. BRACKO,

Plaintiff,

vs.

ALEX CAINE; CITY OF SAN PABLO;
and DOES 1-10, inclusive,

Defendants.

Case No. C08-00239 JL

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO COMPEL
ANSWERS TO DEPOSITION
QUESTIONS AND PRODUCTION OF
DOCUMENTS**

Date:
Time:
Dept:
Judge:

On October 1, 2008, at 9:30 a.m., Defendants ALEX CAINE and the CITY OF SAN PABLO'S (collectively "Defendants") motion to compel answers to deposition questions and production of documents came on regularly for hearing. After full consideration of the briefing, the arguments of Plaintiff's and defense counsel, and the pleadings on file on this case, the Court hereby GRANTS Defendants' motion in its entirety.

Defendants Alex Caine and the City of San Pablo moved for an Order compelling Plaintiff to answer certain relevant, unobjectionable deposition questions and to produce the witness statements of two purported eyewitnesses, Lorraine Hunt and Ashlee Wilson.

Defendants are entitled to an Order compelling Plaintiff to answer these questions because their deposition questions were relevant and Plaintiff has failed to identify any legitimate basis for

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1 refusing to answer these questions. Defendants are also entitled to an Order compelling Plaintiff
 2 to produce the witness statements of Lorraine Hunt and Ashlee Wilson because they are relevant
 3 and not protected by the attorney work product doctrine or any other applicable privilege.

4 Accordingly, Defendants' motion is GRANTED and Plaintiff is ordered to offer himself
 5 up for deposition, within thirty (30) days of entry of this Order. Plaintiff shall answer the
 6 questions identified in Defendants' Memorandum of Points and Authorities in Support of their
 7 Motion to Compel, including:

- 8 • Why did Plaintiff initially flee from Officer Brady?
- 9 • Did Plaintiff ingest any illegal substances on the day of the incident?
- 10 • Who was Plaintiff with when he fled from Officer Brady?
- 11 • What is Plaintiff's personal history of marijuana use and under what circumstances was he
 12 found with marijuana on the day of the incident?
- 13 • Why does Plaintiff no longer possess a cannabis card?
- 14 • Where did Plaintiff obtain the money he purchased the marijuana with on the day of the
 15 incident?
- 16 • Does Plaintiff remember receiving a text-message requesting marijuana?

17 Plaintiff is also directed to allow Defendants reasonable latitude for follow-up questions
 18 regarding the above-described topics. Plaintiff is further directed to produce to Defendants the
 19 witness statements of Lorraine Hunt and Ashlee Wilson within fourteen (14) days of entry of this
 20 Order.

21 IT IS SO ORDERED.

22 Dated: _____

23 HON. JAMES LARSON
 24 United States Magistrate Judge
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